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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/996,021 | 11/19/2001 | John Sonnenberg | 14132 | 2056 |

7590
Sally J. Brown
Autoliv ASP, Inc.
3350 Airport Road
Ogden, UT 84405

10/07/2003

EXAMINER

FLEMING, FAYE M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3616

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/996,021

Applicant(s)

SONNENBERG, JOHN

Examiner

Faye Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 and 29-33 is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-18, 26, 34 and 38 is/are rejected.
- 7) ☒ Claim(s) 9-12, 19-24, 27 and 35-37 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claim 28 is withdrawn in view of reference(s) to Miyahara, et al (6,234,517). Rejections based on the cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-8, 13-18, 26 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyahara, et al (6,234,517).

Miyahara, et al discloses an airbag curtain module comprising an inflatable curtain 18; a plurality of first attachment members 23; and a second attachment member 9 wherein the curtain has a first edge and a second edge, the curtain being

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positionable in an uninflated folded state, as shown in Figure 2A. The first attachment members 23 are positioned adjacent the first edge of the curtain and the second attachment member 9 is between the portion of the module and a bottom portion of the module when the first portion of the module is secured to the interior of the vehicle. The first attachment members 23 comprises a tab 17 extending from the first edge of the curtain wherein the tab have openings 17a. The second attachment member is secured to the curtain below the first attachment members when the airbag module is attached to the interior of the vehicle. The second attachment member also is a cover which encloses the inflatable curtain wherein the second attachment member is position below the first attachment members when the airbag is secured to the interior of a vehicle. A plurality of second attachment members is spaced along an out-board side of the covering, parallel to the first attachment members, as shown in Figure 1. The second attachment member secures a second portion of the module to the interior of the vehicle. Regarding claim 6, the first attachment members are secured to the covering. Regarding claim 13, the second attachment comprises a clip 9 configured for attachment to a vehicle interior. With respect to claim 26, Miyahara teaches claimed method; the second attachment member can be secured to the vehicle interior before the first attachment is secured to the vehicle interior.

Allowable Subject Matter

4. Claim 25 and 29-33 are allowed.
5. Claims 9-12, 19-24, 27 and 35-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed July 21, 2003 have been fully considered but they are not persuasive. The applicant argues Miyahara does not teach an attachment member attachable at a plurality of attachment locations; rather Miyahara teaches only attachment mechanisms which are attachable at a single location, however the examiner notes the claim language "wherein the at least one second attachment member *may be* secured at a plurality of attachment locations" does not preclude the attachment mechanisms of Miyahara moving from one location to another as a result of the type of vehicle (i.e., minivan, 4 door car, 2 door car, sports utility vehicle). Further, the reference clearly teaches the claimed structure.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

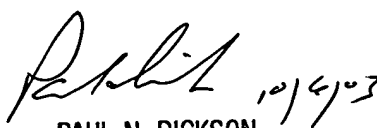
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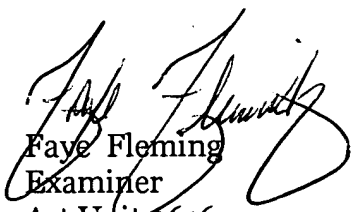
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600


Faye Fleming
Examiner
Art Unit 3616

10/06/03